

**MENTAL HEALTH CRISIS LINE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill addresses the operation of the statewide mental health crisis line and local mental health crisis lines.

**Highlighted Provisions:**

This bill:

- defines terms;
- directs the Division of Substance Abuse and Mental Health (division) to enter into or modify contracts to provide the statewide mental health crisis line;
- requires the division to ensure that the statewide mental health crisis line meets certain staffing and operational standards;
- requires local mental health authorities to ensure that local mental health crisis lines meet certain staffing and operational standards;
- requires local mental health authorities and the division to ensure that calls may be transferred from local mental health crisis lines to the statewide mental health crisis line to ensure a timely and effective response to calls;
- amends the duties of the Mental Health Crisis Line Commission; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-43-301**, as last amended by Laws of Utah 2016, Chapter 113

**17-43-305**, as last amended by Laws of Utah 2016, Chapter 113

**63C-18-203**, as enacted by Laws of Utah 2017, Chapter 23

ENACTS:

33           **62A-15-1301**, Utah Code Annotated 1953

34           **62A-15-1302**, Utah Code Annotated 1953

35           **62A-15-1303**, Utah Code Annotated 1953

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37   *Be it enacted by the Legislature of the state of Utah:*

38           Section 1. Section **17-43-301** is amended to read:

39           **17-43-301. Local mental health authorities -- Responsibilities.**

40           (1) As used in this section:

41           (a) "Crisis worker" means the same as that term is defined in Section 62A-15-1301.

42           (b) "Local mental health crisis line" means the same as that term is defined in Section  
43 63C-18-102.

44           (c) "Mental health therapist" means the same as that term is defined in Section  
45 58-60-102.

46           (d) "Public funds" means the same as that term is defined in Section 17-43-303.

47           (e) "Statewide mental health crisis line" means the same as that term is defined in  
48 Section 63C-18-102.

49           ~~[(1)]~~ (2) (a) (i) In each county operating under a county executive-council form of  
50 government under Section 17-52-504, the county legislative body is the local mental health  
51 authority, provided however that any contract for plan services shall be administered by the  
52 county executive.

53           (ii) In each county operating under a council-manager form of government under  
54 Section 17-52-505, the county manager is the local mental health authority.

55           (iii) In each county other than a county described in Subsection ~~[(1)]~~ (2)(a)(i) or (ii),  
56 the county legislative body is the local mental health authority.

57           (b) Within legislative appropriations and county matching funds required by this  
58 section, under the direction of the division, each local mental health authority shall:

59           (i) provide mental health services to persons within the county; and

60           (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to  
61 promote integrated programs that address an individual's substance abuse, mental health, and  
62 physical healthcare needs, as described in Section 62A-15-103.

63           (c) Within legislative appropriations and county matching funds required by this

section, each local mental health authority shall cooperate with the efforts of the Department of Human Services to promote a system of care, as defined in Section 62A-1-104, for minors with or at risk for complex emotional and behavioral needs, as described in Section 62A-1-111.

~~[(2)]~~ (3) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, two or more counties may join to:

(i) provide mental health prevention and treatment services; or

(ii) create a united local health department that combines substance abuse treatment services, mental health services, and local health department services in accordance with Subsection ~~[(3)]~~ (4).

(b) The legislative bodies of counties joining to provide services may establish acceptable ways of apportioning the cost of mental health services.

(c) Each agreement for joint mental health services shall:

(i) (A) designate the treasurer of one of the participating counties or another person as the treasurer for the combined mental health authorities and as the custodian of money available for the joint services; and

(B) provide that the designated treasurer, or other disbursing officer authorized by the treasurer, may make payments from the money available for the joint services upon audit of the appropriate auditing officer or officers representing the participating counties;

(ii) provide for the appointment of an independent auditor or a county auditor of one of the participating counties as the designated auditing officer for the combined mental health authorities;

(iii) (A) provide for the appointment of the county or district attorney of one of the participating counties as the designated legal officer for the combined mental health authorities; and

(B) authorize the designated legal officer to request and receive the assistance of the county or district attorneys of the other participating counties in defending or prosecuting actions within their counties relating to the combined mental health authorities; and

(iv) provide for the adoption of management, clinical, financial, procurement, personnel, and administrative policies as already established by one of the participating counties or as approved by the legislative body of each participating county or interlocal board.

(d) An agreement for joint mental health services may provide for:

(i) joint operation of services and facilities or for operation of services and facilities under contract by one participating local mental health authority for other participating local mental health authorities; and

(ii) allocation of appointments of members of the mental health advisory council between or among participating counties.

~~[(3)]~~ (4) A county governing body may elect to combine the local mental health authority with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities, and the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department Act, to create a united local health department under Section 26A-1-105.5. A local mental health authority that joins with a united local health department shall comply with this part.

~~[(4)]~~ (5) (a) Each local mental health authority is accountable to the department, the Department of Health, and the state with regard to the use of state and federal funds received from those departments for mental health services, regardless of whether the services are provided by a private contract provider.

(b) Each local mental health authority shall comply, and require compliance by its contract provider, with all directives issued by the department and the Department of Health regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing mental health programs and services. The department and Department of Health shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local mental health authorities with regard to programs and services.

~~[(5)]~~ (6) (a) Each local mental health authority shall:

(i) review and evaluate mental health needs and services, including mental health needs and services for persons incarcerated in a county jail or other county correctional facility;

(ii) ~~[as provided]~~ in accordance with Subsection ~~[(5)]~~ (6)(b), annually prepare and submit to the division a plan approved by the county legislative body for mental health funding and service delivery, either directly by the local mental health authority or by contract;

(iii) establish and maintain, either directly or by contract, programs licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities;

(iv) appoint, directly or by contract, a full-time or part-time director for mental health

126 programs and prescribe the director's duties;

127 (v) provide input and comment on new and revised rules established by the division;

128 (vi) establish and require contract providers to establish administrative, clinical,

129 personnel, financial, procurement, and management policies regarding mental health services

130 and facilities, in accordance with the rules of the division, and state and federal law;

131 (vii) establish mechanisms allowing for direct citizen input;

132 (viii) annually contract with the division to provide mental health programs and

133 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and

134 Mental Health Act;

135 (ix) comply with all applicable state and federal statutes, policies, audit requirements,

136 contract requirements, and any directives resulting from those audits and contract requirements;

137 (x) provide funding equal to at least 20% of the state funds that it receives to fund

138 services described in the plan;

139 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal

140 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title

141 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and

142 Other Local Entities Act; and

143 (xii) take and retain physical custody of minors committed to the physical custody of

144 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,

145 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

146 (b) Each plan under Subsection [~~(5)~~] (6)(a)(ii) shall include services for adults, youth,

147 and children, which shall include:

148 (i) inpatient care and services;

149 (ii) residential care and services;

150 (iii) outpatient care and services;

151 (iv) 24-hour crisis care and services;

152 (v) psychotropic medication management;

153 (vi) psychosocial rehabilitation, including vocational training and skills development;

154 (vii) case management;

155 (viii) community supports, including in-home services, housing, family support

156 services, and respite services;

(ix) consultation and education services, including case consultation, collaboration with other county service agencies, public education, and public information; and

(x) services to persons incarcerated in a county jail or other county correctional facility.

(7) (a) If a local mental health authority provides for a local mental health crisis line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local mental health authority shall:

(i) collaborate with the statewide mental health crisis line described in Section 62A-15-1302;

(ii) ensure that each individual who answers calls to the local mental health crisis line:

(A) is a mental health therapist or a crisis worker; and

(B) meets the standards of care and practice established by the Division of Substance Abuse and Mental Health, in accordance with Section 62A-15-1302; and

(iii) ensure that when necessary, based on the local mental health crisis line's capacity, calls are immediately routed to the statewide mental health crisis line to ensure that when an individual calls the local mental health crisis line, regardless of the time, date, or number of individuals trying to simultaneously access the local mental health crisis line, a mental health therapist or a crisis worker answers the call without the caller first:

(A) waiting on hold; or

(B) being screened by an individual other than a mental health therapist or crisis worker.

(b) If a local mental health authority does not provide for a local mental health crisis line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local mental health authority shall use the statewide mental health crisis line as a local crisis line resource.

~~[(6)]~~ (8) Before disbursing any public funds, each local mental health authority shall require that each entity that receives any public funds from a local mental health authority agrees in writing that:

(a) the entity's financial records and other records relevant to the entity's performance of the services provided to the mental health authority shall be subject to examination by:

(i) the division;

(ii) the local mental health authority director;

(iii) (A) the county treasurer and county or district attorney; or  
(B) if two or more counties jointly provide mental health services under an agreement under Subsection ~~[(2)]~~ (3), the designated treasurer and the designated legal officer;

(iv) the county legislative body; and  
(v) in a county with a county executive that is separate from the county legislative body, the county executive;

(b) the county auditor may examine and audit the entity's financial and other records relevant to the entity's performance of the services provided to the local mental health authority; and

(c) the entity will comply with the provisions of Subsection ~~[(4)]~~ (5)(b).

~~[(7)]~~ (9) A local mental health authority may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for mental health services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.

~~[(8) (a) As used in this section, "public funds" means the same as that term is defined in Section 17-43-303.]~~

~~[(b)]~~ (10) Public funds received for the provision of services pursuant to the local mental health plan may not be used for any other purpose except those authorized in the contract between the local mental health authority and the provider for the provision of plan services.

Section 2. Section **17-43-305** is amended to read:

**17-43-305. Responsibility for cost of services provided by local mental health authority.**

If a local mental health authority, through its designated provider, provides any service described in Subsection ~~[17-43-301(5)]~~ 17-43-301(6)(b) to a person who resides within the jurisdiction of another local mental health authority, the local mental health authority in whose jurisdiction the person resides is responsible for the cost of that service if its designated provider has authorized the provision of that service.

Section 3. Section **62A-15-1301** is enacted to read:

### **Part 13. Statewide Mental Health Crisis Line**

#### **62A-15-1301. Definitions.**

As used in this part:

(1) "Commission" means the Mental Health Crisis Line Commission created in Section 63C-18-202.

(2) "Crisis worker" means an individual who:  
(a) meets the standards of qualification or certification that the division sets, in accordance with Section 62A-15-1302; and

(b) staffs the statewide mental health crisis line or a local mental health crisis line under the supervision of at least one mental health therapist.

(3) "Local mental health crisis line" means the same as that term is defined in Section 63C-18-102.

(4) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(5) "Statewide mental health crisis line" means the same as that term is defined in Section 63C-18-102.

Section 4. Section **62A-15-1302** is enacted to read:

**62A-15-1302. Contracts for statewide mental health crisis line -- Crisis worker qualification or certification.**

(1) (a) The division shall enter into a new contract or modify an existing contract to manage and operate the statewide mental health crisis line, in accordance with this part, and to encourage collaboration with local mental health crisis lines.

(b) Through the contract described in Subsection (1)(a) and in consultation with the commission, the division shall set standards of care and practice for the mental health therapists and crisis workers who staff the statewide mental health crisis line.

(2) (a) The division shall establish training and minimum standards for the qualification or certification of crisis workers who staff the statewide mental health crisis line and local mental health crisis lines.

(b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to establish the training and minimum standards described in Subsection (2)(a).

Section 5. Section **62A-15-1303** is enacted to read:

**62A-15-1303. Statewide mental health crisis line operational standards.**

In consultation with the commission, the division shall ensure that:



(1) the following individuals are available to staff and answer calls to the statewide mental health crisis line 24 hours per day, 365 days per calendar year:

(a) mental health therapists; or

(b) crisis workers;

(2) a sufficient amount of staff is available to ensure that when an individual calls the statewide mental health crisis line, regardless of the time, date, or number of individuals trying to simultaneously access the statewide mental health crisis line, an individual described in

Subsection (1) answers the call without the caller first:

(a) waiting on hold; or

(b) being screened by an individual other than a mental health therapist or crisis worker; and

(3) the statewide mental health crisis line has capacity to accept all calls that local mental health crisis lines route to the statewide mental health crisis line.

Section 6. Section **63C-18-203** is amended to read:

**63C-18-203. Commission duties -- Reporting requirements.**

(1) (a) The commission shall:

(i) identify a method to integrate existing local mental health crisis lines to ensure each individual who accesses a local mental health crisis line is connected to a qualified mental or behavioral health professional, regardless of the time, date, or number of individuals trying to simultaneously access the local mental health crisis line;

(ii) study how to establish and implement a statewide mental health crisis line, including identifying:

(A) a statewide phone number or other means for an individual to easily access the statewide mental health crisis line, including a short code for text messaging and an N11 number for calls;

(B) a supply of qualified mental or behavioral health professionals to staff the statewide mental health crisis line; and

(C) a funding mechanism to operate and maintain the statewide mental health crisis line; and

(iii) coordinate with local mental health authorities in fulfilling the commission's duties described in Subsections (1)(a)(i) and (ii).

281 (b) The commission may conduct other business related to the commission's duties  
282 described in Subsection (1)(a).

283 [~~(2) Before November 30, 2017, the commission shall report to the Political~~  
284 ~~Subdivisions Interim Committee regarding:]~~

285 [~~(a) the extent to which the commission fulfilled the commission's duties described in~~  
286 ~~Subsection (1); and]~~

287 [~~(b) recommendations for future legislation related to integrating local mental health~~  
288 ~~crisis lines or establishing a statewide mental health crisis line:]~~

289 (2) The commission shall consult with the Division of Substance Abuse and Mental  
290 Health regarding the standards and operation of the statewide mental health crisis line, in  
291 accordance with Title 62A, Chapter 15, Part 13, Statewide Mental Health Crisis Line.